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**Department
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HEALTH CARE

LICENSING &

CUSTOMER SERVICE

DIVISION

MUNICIPAL NUTRITION REGULATIONS

CHAPTER 45 NUTRITION

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4500 GENERAL PROVISIONS

4500.1 This chapter shall apply to applicants for and holders of a license to practice nutrition.

4500.2 Chapters 40 (Health Occupations: General Rules), 41 (Health Occupations: Administrative Procedures), and 44 (Dietetics) of this title shall supplement this chapter.

AUTHORITY: Unless otherwise noted, the authority for this chapter is §302(14) of the District of Columbia Health Occupations Revision Act of 1985, D.C. Law 6-99, D.C. Code §2-3303.2(14) (1981 Ed.); and Mayor's Order 86-110, dated July 18, 1986.

SOURCE: Final Rulemaking published at 35 DCR 3518 (May 13, 1988).

4501 TERM OF LICENSE

4501.1 Subject to §4501.2, a license issued pursuant to this chapter shall expire at 12:00 midnight on November 1st of each odd-numbered year.

4501.2 If the Director changes the renewal system pursuant to §4006.3 of Chapter 40 of this title, a license issued pursuant to this chapter shall expire at 12:00 midnight of the last day of the month of the birthdate of the holder of the license, or other date established by the Director.

SOURCE: Final Rulemaking published at 35 DCR 3518 (May 13, 1988); as amended by Final Rulemaking published at 42 DCR 1428 (March 24, 1995).

4502 EDUCATIONAL AND TRAINING REQUIREMENTS

4502.1 Except as otherwise provided in this subtitle, an applicant shall furnish proof satisfactory to the Board, in accordance with §701(c) of the Act, D.C. Code §2-3307.1(c) (1988), of one of the following:

- (a) That the applicant holds a baccalaureate or higher degree, with a major in human nutrition, foods and nutrition, dietetics, or food systems management;

- (b) That the applicant holds a baccalaureate or higher degree with a major in a course of study found by the Board to be equivalent to one of the courses of study listed in paragraph (a) of this subsection; or
 - (c) That the applicant has completed other training, approved by the Board, which is substantially equivalent to the requirements of paragraphs (a) and (b) of this subsection.
- 4502.2 Degrees required in §§4502.1(a) and (b) shall have been received from an academic institution that was approved by the appropriate accrediting body recognized by the Council on Postsecondary Accreditation or the United States Department of Education at the time the degree was conferred.
- 4502.3 An applicant shall submit a certified transcript of the applicant's educational record(s) and an official certificate of graduation to the Board with the completed application.
- 4502.4 Except as provided in §§4502.6, 4502.7 and 4502.8, an applicant shall furnish proof satisfactory to the Board that the applicant has completed preprofessional experience which meets the following requirements:
 - (a) The experience was obtained in a dietetic or nutrition program approved by the Board;
 - (b) The program was under the direction of a dietitian or nutritionist licensed or authorized to practice dietetics or nutrition in the United States;
 - (c) The experience consisted of a minimum of nine hundred (900) hours completed over a period of not less than twenty-two (22) weeks and not more than forty-five (45) weeks;
 - (d) At least one (1) hour per week of experience was under the immediate supervision of a dietitian or nutritionist and the remaining experience was under the general supervision of a dietitian or nutritionist; and
 - (e) The applicant's performance was rated as at least satisfactory.
- 4502.5 An applicant under this section shall demonstrate the experience listed under §4502.4 by submitting with the application a statement from each supervisor during the required period of supervision, on the prescribed form, which sets forth the following:
 - (a) Locations and time periods of the training;
 - (b) Hours of supervised practice;
 - (c) Nature of practice;
 - (d) Performance rating; and

- (e) The supervisor's license number, if any, and jurisdiction in which authorized to practice.
- 4502.6 An applicant who passes the examination sponsored by the Commission on Dietetic Registration of the American Dietetic Association (CDRADA) and who submits proof of current certification as a registered dietitian by the CDRADA shall be deemed to have met the educational and experience requirements of this section.
- 4502.7 An applicant who has received a master's or doctoral degree in nutrition shall be deemed to have met the preprofessional experience requirements of this section.
- 4502.8 An applicant who has been actively engaged in the practice of nutrition for not less than two (2) of the five (5) years immediately preceding the date of application shall be deemed to have met the preprofessional experience requirements of this section.
- 4502.9 The Board may require that an applicant submit evidence that documents the nature of the course work completed.
- 4502.10 For purposes of this section, a quarter hour of academic credit shall equal two-thirds (2/3) of a semester hour.

SOURCE: Final Rulemaking published at 35 DCR 3518 (May 13, 1988); as amended by Final Rulemaking published at 37 DCR 2747, 2749 (May 4, 1990).

4503 APPLICANTS EDUCATED IN FOREIGN COUNTRIES

- 4503.1 The Board may grant a license to practice nutrition to an applicant who completed an educational program in a foreign country, which program is not accredited pursuant to this section, if the applicant does as follows:
 - (a) Meets all requirements of this chapter except for §4502.1; and
 - (b) Demonstrates to the satisfaction of the Board that the applicant's education and training are substantially equivalent to the requirements of this subtitle and the Act in ensuring that the applicant is qualified to practice nutrition by submitting the documentation required by §4503.2.
- 4503.2 An applicant under this section shall submit with the application a certification from one of the following that the applicant's foreign education is equivalent to the applicable requirements of the Act and this chapter:
 - (a) A private education evaluation service approved by the Board; or
 - (b) A college or university approved by an accrediting body recognized by the Council on Postsecondary Accreditation or the Secretary of the United States Department of Education.

- 4503.3 If a document required by this chapter is in a language other than English, an applicant shall arrange for its translation into English by a translation service acceptable to the Board and shall submit a translation signed by the translator attesting to its accuracy.

SOURCE: Final Rulemaking published at 35 DCR 3518, 3520 (May 13, 1988).

4504 SUPERVISED PRACTICE BY STUDENTS AND GRADUATES

- 4504.1 The following unlicensed persons may practice nutrition under supervision:
- (a) A student fulfilling educational requirements in a program that meets the requirements of §§4502.1 and 4502.2; and
 - (b) A graduate enrolled in a postgraduate training program recognized by the Board.
- 4504.2 Only a supervisor shall be authorized to supervise the practice of a student or graduate.
- 4504.3 A student or graduate may practice nutrition only in accordance with the Act and this title.
- 4504.4 A student or graduate who practices pursuant to this section shall practice only at a hospital, nursing home, health facility, health education center, business, or other health care facility considered appropriate for the practice of nutrition.
- 4504.5 A student or graduate under this section shall not assume administrative or technical responsibility for the operation of a program of dietetics, clinical service, or unit.
4504. All supervised practice shall take place under general or immediate supervision.
- 4504.7 A student or graduate shall identify himself or herself as such before practicing under supervision.
- 4504.8 A supervisor shall be fully responsible for all practice by a student or graduate during the period of supervision and shall be subject to disciplinary action for any violation of the Act or this subtitle by the student or graduate.
- 4504.9 A student or graduate shall not receive compensation of any kind directly or indirectly from a patient, except for a salary based on hours worked under supervision.
- 4504.10 A graduate eligible to practice under §4504.1(b) may practice for no more than twelve (12) months or for the duration of the graduate's postgraduate training program.
- 4504.11 A student or graduate shall be subject to all of the applicable provisions of the Act and this chapter. In accordance with Chapter 41 of this title, the Board may deny an application for a license by, or may take disciplinary action against, a student or graduate who is found to have violated the Act or this chapter.

4504.12 As used in this section, the following definitions shall apply:

- (a) “General supervision” means supervision in which the supervisor is available on the premises or within vocal communication either directly or by a communication device at the time the student or graduate is practicing;
- (b) “Immediate supervision” means supervision in which the supervisor is with the student or graduate and is either discussing or observing the student’s or graduate’s practice; and
- (c) “Supervisor” means a registered nutritionist or dietitian licensed under the Act who is responsible for the supervision of a student or graduate.

SOURCE: Final Rulemaking published at 41 DCR 4929 (July 22, 1994).

4505 DISTRICT EXAMINATION

4505.1 Except as provided in §4505.6, to qualify for a license under this chapter, an applicant shall receive a passing score on a written examination developed by the Board on the practice of nutrition (the District examination).

4505.2 The District examination may include, but is not limited to, questions on the following subjects:

- (a) Human nutrition;
- (b) Diet therapy;
- (c) Nutrition counseling; and
- (d) Community nutrition.

4505.3 The Board shall administer the District examination for nutritionists at least two (2) times a year.

4505.4 An applicant who fails the District examination on three (3) consecutive attempts may not retake the examination for one (1) year. Thereafter, the applicant may not retake the examination for one (1) year after each failure.

4505.5 An applicant who fails the District examination three (3) times is not eligible for licensure in the District by examination, endorsement, or reciprocity unless the applicant successfully completes a course or courses in each area of weakness as determined by the Board’s analysis of the previous examination before the applicant may reapply for examination.

4505.6 The Board shall waive the examination requirements of the Act and this section for any applicant who presents evidence satisfactory to the Board of the following:

- (a) That the applicant meets the educational requirements of the Act and this chapter; and
 - (b) That the applicant was employed in the practice of dietetics or nutrition on a substantially full-time basis for at least three (3) of the five (5) years immediately preceding March 25, 1986.
- 4505.7 The application for the waiver shall be received by the Board prior to March 25, 1988.
- 4505.8 An applicant under this section shall demonstrate the experience qualifications required by §4505.6 by submitting the following:
- (a) Evidence documenting that at least four thousand five hundred (4,500) hours of substantially full-time practice were completed over three (3) of the five (5) years immediately preceding March 25, 1988;
 - (b) Locations and time periods;
 - (c) Hours of supervised practice;
 - (d) Hours of immediate supervision;
 - (e) Nature of practice;
 - (f) Performance rating; and
 - (g) The supervisor's name and position.
- 4505.9 For purposes of this section, the term "substantially full-time" means at least thirty (30) hours per week.

SOURCE: Final Rulemaking published at 35 DCR 3518, 3521 (May 13, 1988).

4506 CONTINUING EDUCATION REQUIREMENTS

- 4506.1 Subject to §4506.2, this section shall apply to applicants for the renewal, reactivation, or reinstatement of a license for a term expiring April 30, 1991, and for subsequent terms.
- 4506.2 This section does not apply to applicants for an initial license by examination, reciprocity, or endorsement, nor does it apply to applicants for the first renewal of a license granted by examination.
- 4506.3 A continuing education credit shall be valid only if it is part of a program or activity approved by the Board in accordance with §4507.
- 4506.4 An applicant for renewal of a license shall submit proof of having completed thirty (30) hours of approved continuing education credit during the two-year (2) period preceding the date the license expires.

- 4506.5 To qualify for a license, a person in inactive status within the meaning of §511 of the Act, D.C. Code §2-3305.11 (1987) who submits an application to reactivate a license shall submit proof of having completed fifteen (15) hours of approved continuing education credit for each license year after April 30, 1989, that the applicant was in inactive status, up to a maximum of thirty (30) hours.
- 4506.6 To qualify for a license, an applicant for reinstatement of a license shall submit proof of having completed fifteen (15) hours of approved continuing education credit for each year after April 30, 1989, that the applicant was not licensed, up to a maximum of thirty (30) hours.
- 4506.7 An applicant under this section shall prove completion of required continuing education credits by submitting with the application the following information with respect to each program:
- (a) The name and address of the sponsor of the program;
 - (b) The name of the program, its location, a description of the subject matter covered, and the names of the instructors;
 - (c) The dates on which the applicant attended the program;
 - (d) The hours of credit claimed; and
 - (e) Verification by the sponsor of completion, by signature or stamp.
- 4506.8 An applicant for renewal of a license who fails to submit proof of having completed continuing education requirements by the date the license expires may renew the license up to sixty (60) days after expiration by submitting this proof and by paying the required additional late fee.
- 4506.9 Upon submitting proof and paying the late fee, the applicant shall be deemed to have possessed a valid license during the period between the expiration of the license and the submission of the required documentation and payment of the late fee.
- 4506.10 If an applicant for renewal of a license fails to submit proof of completion of continuing education requirements or pay the late fee within sixty (60) days after the expiration of applicant's license, the license shall be considered to have lapsed on the date of expiration.
- 4506.11 The Board may, in its discretion, grant an extension of the sixty (60) day period to renew after expiration if the applicant's failure to submit proof of completion was for good cause. As used in this section, "good cause" includes the following:
- (a) Serious and protracted illness of the applicant; and

- (b) The death or serious and protracted illness of a member of the applicant's immediate family.

SOURCE: Final Rulemaking published at 35 DCR 3518, 3522 (May 13, 1988).

4507 APPROVED CONTINUING EDUCATION PROGRAMS AND ACTIVITIES

4507.1 The Board may, in its discretion, approve continuing education programs and activities that contribute to the growth of an applicant in professional competence in the practice of nutrition and that meet the other requirements of this section.

4507.2 The Board may approve the following types of continuing education programs, if the program meets the requirements of §4507.3:

- (a) An undergraduate or graduate course given at an accredited college or university;
- (b) A seminar or workshop; and
- (c) An educational program given at a conference.

4507.3 To qualify for approval by the Board, a continuing education program shall meet the following requirements:

- (a) Be current in its subject matter;
- (b) Be developed and taught by qualified individuals; and
- (c) Meet one of the following requirements:
 - (1) Be administered or approved by:
 - (A) A national, state, or local dietetics organization recognized by the Board;
 - (B) A health care facility accredited by the Joint Commission for the Accreditation of Hospitals; or
 - (C) A college or university approved by an accrediting body recognized by the Council on Postsecondary Accreditation or the Secretary of the United States Department of Education; or
 - (2) Be submitted by the program sponsors to the Board for review no less than sixty (60) days prior to the date of the presentation and be approved by the Board.

4507.4 The Board may issue and update a list of approved continuing education programs.

4507.5 An applicant shall have the burden of verifying whether a program is approved by the Board pursuant to this section prior to attending the program. The applicant shall also have the burden of verifying the number of continuing education credits the Board will accept for a program under this section.

4507.6 The Board may approve the following continuing education activities by an applicant:

- (a) Serving as an instructor or speaker at a conference, a seminar, workshop, or in-service training;
- (b) Publishing a book or a chapter in a book, or publishing a book review, article, abstract, or paper in a professional journal or bulletin; or
- (c) Participating in research as a principal investigator or research assistant.

SOURCE: Final Rulemaking published at 35 DCR 3518, 3524 (May 13, 1988).

4508 CONTINUING EDUCATION CREDITS

4508.1 The Board may grant continuing education credit for whole hours only, with a minimum of fifty (50) minutes constituting one (1) credit hour.

4508.2 For approved undergraduate or graduate course, each semester hour of credit shall constitute fifteen (15) hours of continuing education credit, and each quarter hour of credit shall constitute ten (10) hours of continuing education credit.

4508.3 The Board may grant credit to an applicant who serves as an instructor or speaker at an approved program for both preparation and presentation time, subject to the restrictions under §§4508.4 through 4508.7.

4508.4 The maximum amount of credit which may be granted for preparation time shall be twice the amount of the associated presentation time.

4508.5 The maximum amount of credit which may be granted pursuant to §4508.3 shall be fifty percent (50%) of an applicant's continuing education requirement.

4508.6 If an applicant has previously received credit in connection with a particular presentation, the Board shall not grant credit for a subsequent presentation unless it involves either a different subject or substantial additional research concerning the same subject.

4508.7 The presentation shall be completed during the period for which credit is claimed.

4508.8 The Board may grant an applicant who is an author or editor of a published book fifteen (15) continuing education credits, if the book has been published or accepted for

publication during the period for which credit is claimed, and the applicant submits proof of this fact with the application.

- 4508.9 The Board may grant an applicant who is an author of a published original paper six (6) continuing education credits, subject to the same restrictions set forth for books in §4508.8.
- 4508.10 The Board may grant an applicant who is the sole author of a published book review, article, or abstract, six (6) continuing education credits, subject to the same restrictions set forth for books in §4508.8.
- 4508.11 The Board may grant an applicant who is able to demonstrate participation in research, either as a principal investigator or as a research assistant, six (6) continuing education credits.
- 4508.12 The Board may grant an applicant who is a co-author of a published book review, article, abstract, or original paper two (2) continuing education credits, subject to the same restrictions set forth for books in §4508.9. A maximum of four (4) continuing education credits per year may be granted to this section.

SOURCE: Final Rulemaking published at 35 DCR 3518, 3524 (May 13, 1988).

4599 DEFINITIONS

- 4599.1 When used in this chapter, the following terms and phrases shall have the meanings ascribed:

Applicant - a person applying for a license to practice nutrition under this chapter.

Board - the Board of Dietetics and Nutrition, established by §202 of the Act, D.C. Code §2-3302.2 (1987).

CDRADA - the Commission on Dietetic Registration of the American Dietetic Association.

Dietitian - a person licensed to practice dietetics under the Act. Licensure to practice dietetics pursuant to this chapter shall also entitle the licensee to use the title of nutritionist.

General Supervision - supervision in which the supervisor is within the same facility as the supervisee and immediately available upon request or is not within the same facility but immediately available by telephone.

Immediate Supervision - supervision in which the supervisor is physically with the supervisee and either discusses or observes the supervisee's practice.

Nutritionist - a person licensed to practice nutrition under the Act.

- 4599.2 The definitions in §4099 of Chapter 40 of this title are incorporated by reference into and are applicable to this title.

SOURCE: Final Rulemaking published at 35 DCR 3518, 3527 (May 13, 1988).